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United States General Accounting Office

Fact Sheet for the Chairman, Subcommittee on Commerce, Consumer Protection, and Competitiveness, Committee on Energy and Commerce, House of Representatives

April 1988

# CONSUMER PRODUCT SAFETY COMMISSION

## Personnel Resources and Other Matters

GAO/HRD-88-57FS

GAO

United States
General Accounting Office
Washington, D.C. 20548

Human Resources Division

B-229275

April 7, 1988

The Honorable James J. Florio
Chairman, Subcommittee on Commerce,
Consumer Protection, and Competitiveness
Committee on Energy and Commerce
House of Representatives

Dear Mr. Chairman:

In your June 22, 1987, letter, you requested that we examine the Consumer Product Safety Commission's (CPSC's) ability to enforce its regulations, using lawn darts as a case study. You were concerned that, in violation of CPSC's regulations, lawn darts were being sold in toy stores, resulting in injuries and at least one death.

We monitored CPSC's actions on lawn darts during our review. CPSC subsequently decided to develop an advance notice of proposed rulemaking that could result in additional restrictions on the sale of lawn darts or in a ban on their manufacture, sale, and distribution. The proposed rule was published on October 20, 1987. As agreed with your office in November 1987, we plan no further work or reporting on the lawn dart issue at this time.

In your June 22, 1987, letter, you also raised a question relating to CPSC's ability to enforce its regulations and protect consumers in view of the level of resources it had available for the task. In later meetings with your office, we agreed to concentrate on personnel resources and provide information on (1) the overall decline in staffing at CPSC between 1981 and 1987, (2) the decline in staffing in the CPSC Directorate for Compliance and Administrative Litigation (the entity responsible for compliance and administrative enforcement activities) between 1980 and 1987, and (3) the extent and duration of details and reassignments of Compliance Directorate and Senior Executive Service (SES) employees. Information on each of these areas is summarized below. Further detail is provided in tables I.1 through I.6 in the appendix.

We did our work primarily at CPSC headquarters in Bethesda, Maryland. Our work included interviewing the three CPSC Commissioners and other key CPSC managers and examining

(1) budget documents for fiscal years 1980-87, (2) CPSC internal audit reports, and (3) personnel listings for selected dates in 1980, 1981, and 1987. In addition, we obtained incident reports and other memoranda and documents related to CPSC deliberations concerning the lawn dart issue. We also attended open and closed Commission briefings related to the lawn dart and other enforcement issues. Our work was done in accordance with generally accepted government auditing standards and was performed from August 1987 to February 1988.

## BACKGROUND

CPSC was established by the Consumer Product Safety Act (15 U.S.C. 2051) in 1972 to protect the public against the unreasonable risks of injuries and deaths associated with an estimated 15,000 consumer products. CPSC carries out its responsibilities through a headquarters office and through three regional centers in New York, Chicago, and San Francisco. The act provided for five Commissioners to be appointed by the President. One Commissioner is appointed chairperson by the President and serves as the chief operating officer. Since March 1, 1987, CPSC has had two Commissioners' positions vacant.

## OVERALL CPSC PERSONNEL RESOURCES HAVE DECLINED SINCE 1981

Between April 30, 1981, and August 28, 1987, full-time CPSC employees GS-15 and below declined about 38 percent, from 814 to 502; regional office staff declined about 54 percent, from 271 to 126, while headquarters staff declined about 31 percent, from 543 to 376. By specific type of employee, investigators declined 36 percent, from 140 to 89; scientific and engineering personnel declined about 31 percent, from 115 to 79; and attorneys (including law clerks, paralegal specialists, and freedom of information officers) declined about 35 percent, from 46 to 30. (See table I.3.)

## DECLINE IN STAFFING IN THE DIRECTORATE FOR COMPLIANCE AND ADMINISTRATIVE LITIGATION

The Directorate for Compliance and Administrative Litigation's responsibilities include (1) identifying and acting on safety hazards in consumer products already in distribution, (2) promoting industry compliance with existing rules, (3) conducting litigation before an administrative law judge on administrative complaints, and (4) enforcing the Consumer

Product Safety Act requirement that firms identify and report product defects that could present hazards.

Between January 31, 1980, and August 28, 1987, full-time GS-15 and below personnel in the directorate declined from 57 to 37, or about 35 percent. This percentage decline is comparable to the 38-percent overall decline in personnel at CPSC from April 30, 1981, through August 28, 1987.

The most significant reductions took place among attorneys, whose numbers declined by about 65 percent, from 26 to 9. There were also declines among four other types of employees. These declines totaled nine. The number of employees in two categories remained the same. The total decline of 26 employees in the Compliance and Administrative Litigation Directorate was offset somewhat, however, by the gain of 1 administrative assistant and 5 compliance officers during the same period. (See table I.4.)

## TRANSFER OF COMPLIANCE DIRECTORATE AND SES EMPLOYEES

Among 29 CPSC employees (except support staff) at levels GS-15 and below assigned to the Directorate for Compliance and Administrative Litigation as of August 28, 1987, 7 were detailed or reassigned[1] during the 22-month period from January 1, 1986, through October 30, 1987. Of the 7 detailed or reassigned during this period, 6 were transferred between the Compliance Directorate and other directorates or offices within CPSC, while 1 was detailed to the Department of Justice. Five of the seven were either both detailed and reassigned or detailed or reassigned more than once.

These seven employees were available to the Compliance Directorate for a total of 63.5 months, or about 41 percent of the total time possible between January 1, 1986, and October 30, 1987. Availability of these employees ranged from about 2 months, or about 9 percent, to 15.5 months, or about 70 percent. (See table I.5.)

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[1]Details are transfers from one position to another in CPSC in which the employee is expected to be returned to the position from which the detail occurred. At CPSC, details are generally made for 120 days with extensions beyond that requiring internal CPSC approval. Reassignments are official transfers from one position to another, without promotion or demotion.

Of 12 SES employees throughout CPSC, 6 were detailed or reassigned during January 1, 1986, through October 30, 1987. Length of detail during the covered period ranged from about 2 months (3 employees) to about 19 months. Two of the details involved the transfer of employees from specific duties in one directorate to unclassified duties in the Office of the Executive Director. Unclassified duties involve work assignments in areas for which an official position description has not been established. (See table I.6.)

- - - -

As requested by your office, we have not discussed the contents of this fact sheet with CPSC officials. Also, as arranged with your office, unless its contents are announced earlier, we plan no further distribution of this document until 30 days from its issue date. At that time, we will send copies to CPSC and interested parties and make copies available to others upon request.

Should you need additional information on the contents of this fact sheet, please call me on 275-5451.

Sincerely yours,

Janet L. Shikles

Janet L. Shikles
Associate Director

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## Abbreviations

| | |
|---|---|
| CPSC | Consumer Product Safety Commission |
| SES | Senior Executive Service |

## TABLES PROVIDING DETAILS ON CPSC PERSONNEL RESOURCES

### Table I.1:

### Number of Commissioners, SES Employees, and Full-Time GS-15 and Below Employees at Selected Dates

| Type of employee | April 30, 1981 HQ | R | Total | August 28, 1987 HQ | R | Total |
|---|---|---|---|---|---|---|
| Commissioners | 4 | 0 | 4 | 3 | 0 | 3 |
| SES employees | 12 | 0 | 12 | 12 | 0 | 12 |
| GS-15 and below | 543 | 271 | 814 | 376 | 126 | 502 |
| Total | 559 | 271 | 830 | 391 | 126 | 517 |

Legend:

HQ = Headquarters
R = Regional

### Table I.2:

### Number and Type of Full-Time Employees in Commissioners' Offices at Selected Dates

| Type of employee | April 30, 1981 Chairman | Others | Total | August 28, 1987 Chairman | Others | Total |
|---|---|---|---|---|---|---|
| Commissioners | 1 | 3 | 4 | 1 | 2 | 3 |
| SES employee | 0 | 0 | 0 | 1 | 0 | 1 |
| Employees GS-12 to 15 | 4 | 6 | 10 | 2 | 3 | 5 |
| Others | 4 | 5 | 9 | 3 | 2 | 5 |
| Total Commissioners' offices | 9 | 14 | 23 | 7 | 7 | 14 |

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Table I.3:

Number and Type of Full-Time GS-15 and Below Employees at Selected Dates and Their Percent Change Over That Period

| Type of employee[a] | April 30, 1981 | | | August 28, 1987 | | | Percent decrease (increase) | | |
|---|---|---|---|---|---|---|---|---|---|
| | HQ | R | Total | HQ | R | Total | HQ | R | Total |
| Program managers | 22 | 21 | 43 | 15 | 2 | 17 | 31.8 | 90.5 | 60.5 |
| Scientific and engineering employees | 103 | 12 | 115 | 79 | 0 | 79 | 23.3 | 100.0 | 31.3 |
| Attorneys | 46[b] | 0 | 46 | 30[c] | 0 | 30 | 34.8 | 0.0 | 34.8 |
| Compliance officers | 17 | 15 | 32 | 19 | 9 | 28 | (11.8) | 40.0 | 12.5 |
| Investigators | 4 | 136 | 140 | 2 | 87 | 89 | 50.0 | 36.0 | 36.4 |
| Program and management analysts | 54 | 0 | 54 | 34 | 1 | 35 | 37.0 | (---) | 35.2 |
| Economists | 17 | 0 | 17 | 12 | 0 | 12 | 29.4 | 0.0 | 29.4 |
| Public affairs personnel | 28 | 19 | 47 | 9 | 5 | 14 | 67.9 | 73.7 | 70.2 |
| Statisticians | 16 | 0 | 16 | 13 | 0 | 13 | 18.8 | 0.0 | 18.8 |
| Clerks and secretaries | 104 | 57 | 161 | 70 | 19 | 89 | 32.7 | 66.7 | 44.7 |
| Administrative assistants | 4 | 9 | 13 | 5 | 3 | 8 | (25.0) | 66.7 | 38.5 |
| Personnel specialists | 23 | 0 | 23 | 14 | 0 | 14 | 39.1 | 0.0 | 39.1 |
| Computer personnel | 18 | 0 | 18 | 16 | 0 | 16 | 11.1 | 0.0 | 11.1 |
| Accountants and budget personnel | 16 | 0 | 16 | 11 | 0 | 11 | 31.3 | 0.0 | 31.3 |
| Contracting personnel | 10 | 0 | 10 | 7 | 0 | 7 | 30.0 | 0.0 | 30.0 |
| Other personnel | 61 | 2 | 63 | 40 | 0 | 40 | 34.4 | 100.0 | 36.5 |
| Total employees | 543 | 271 | 814 | 376 | 126 | 502 | 30.8 | 53.5 | 38.3 |

Legend:

HQ = Headquarters
R = Regional

[a]The reasonableness of our grouping of employees by type was confirmed by discussion with CPSC personnel specialists.

[b]Included 2 law clerks and 1 freedom of information officer.

[c]Included 6 paralegal specialists and 1 freedom of information officer.

Table I.4:

Number and Type of Full-Time GS-15 and Below Employees in the Compliance and Administrative Litigation Directorate[a] at Selected Dates in 1980, 1981, and 1987

| Type of employee | 1/31/80 | 4/30/81 | 8/28/87 |
|---|---|---|---|
| Associate executive director | 1 | 0 | 0 |
| Program manager | 1 | 1 | 1 |
| Scientific and engineering employees | 4 | 1 | 0 |
| Attorneys[b] | 26 | 13 | 9 |
| Compliance officers | 14 | 16 | 19 |
| Investigators | 3 | 0 | 0 |
| Clerks and secretaries | 8 | 6 | 7 |
| Administrative assistant | 0 | 1 | 1 |
| Other personnel | 0 | 1 | 0 |
| Total employees | 57 | 39 | 37[c] |

[a]Although the directorate's responsibilities changed during the period 1980-87, the head of the directorate told us that the changes were slight in relation to the directorate's total responsibilities.

[b]Included law clerks and paralegal specialists.

[c]From the 1980 to the 1987 date, total employees decreased by 20, or 35.1 percent.

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Table 1.5:

Full-Time GS-15 and Below Employees (except support staff) in the Compliance and Administrative Litigation Directorate at 8/28/87 Detailed or Reassigned During the Period 1/1/86 to 10/30/87

| Employee | Action | Time period | | Location | |
|---|---|---|---|---|---|
| | | From | To | From | To |
| A | Detailed | 12-16-85 | 08-10-86 | Compliance officer, Directorate for Compliance and Administrative Litigation | Project manager, Office of Program Management |
| B | Reassigned | 01-18-87 | - - - - | Supervisory general attorney, Office of General Counsel | Supervisory trial attorney, Directorate for Compliance and Administrative Litigation |
| C | Detailed | 05-06-85 | 08-30-86 | Compliance officer, Directorate for Compliance and Administrative Litigation | Public affairs specialist, Office of Information and Public Affairs |
| | Reassigned | 08-31-86 | 08-15-87 | Compliance officer, Directorate for Compliance and Administrative Litigation | Public affairs specialist, Office of Information and Public Affairs |
| | Reassigned | 08-16-87 | - - - - | Public affairs specialist, Office of Information and Public Affairs | Compliance officer, Directorate for Compliance and Administrative Litigation |

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| Employee | Action | Time period From | Time period To | Location From | Location To |
|---|---|---|---|---|---|
| D | Reassigned | 06-07-87 | 08-12-87 | General attorney, Office of General Counsel | Attorney-advisor, Directorate for Compliance and Administrative Litigation |
| | Detailed | 08-13-87 | - - - - | Attorney-advisor, Directorate for Compliance and Administrative Litigation | Unclassified duties, Department of Justice |
| E | Reassigned | 01-18-87 | 08-01-87 | Trial attorney, Directorate for Compliance and Administrative Litigation | General attorney, Office of General Counsel |
| | Reassigned | 08-02-87 | - - - - | General attorney, Office of General Counsel | Trial attorney, Directorate for Compliance and Administrative Litigation |
| F | Detailed | 12-08-85 | 04-06-86 | Survey statistician, Directorate for Epidemiology | Compliance officer, Directorate for Compliance and Administrative Litigation |
| | Reassigned | 12-21-86 | - - - - | Survey statistician, Directorate for Epidemiology | Compliance officer, Directorate for Compliance and Administrative Litigation |

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| Employee | Action | Time period | | Location | |
|---|---|---|---|---|---|
| | | From | To | From | To |
| G | Detailed | 05-10-87 | 07-14-87 | Supervisory compliance officer, Directorate for Compliance and Administrative Litigation | Unclassified duties, Office of Program Management and Budget |
| | Detailed | 07-15-87 | - - - - | Supervisory compliance officer, Directorate for Compliance and Administrative Litigation | Acting program manager, Office of Program Management and Budget |

Summary:

| | |
|---|---|
| Employees at August 28, 1987 | 29 |
| Employees not detailed or reassigned | 22 |
| Employees detailed or reassigned | 7 |

Methodology: For the period 1/1/86 through 10/30/87, we reviewed all standard form 50's (notification of personnel action) in the personnel files of all full-time employees GS-15 and below (except support staff) in the Directorate of Compliance and Administrative Litigation at 8/28/87.

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Table I.6:

SES Employees at 8/28/87
Detailed or Reassigned
During the Period 01/01/86 to 10/30/87

| Employee | Action | Time period | | Location | |
|---|---|---|---|---|---|
| | | From | To | From | To |
| A | Detailed | 09/01/87 | 10/25/87 | Director, Office of Program Management and Budget | Associate executive director, Directorate for Compliance and Administrative Litigation |
| B | Detailed | 08/18/86 | 03/29/87 | Executive assistant to the chairman, Office of the Chairman | General counsel, Office of General Counsel |
| C | Detailed | 09/01/87 | 10/25/87 | Associate executive director, Directorate for Compliance and Administrative Litigation | Unclassified duties, Office of the Executive Director |
| D | Reassigned | 06/29/86 | 07/26/86 | Program analyst, Office of the Executive Director | Program analyst, Directorate for Compliance and Administration Litigation |
| | Reassigned | 07/27/86 | - - - - | Program analyst, Directorate for Compliance and Administrative Litigation | Associate executive director, Directorate for Administration |

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| Employee | Action | Time period From | Time period To | Location From | Location To |
|---|---|---|---|---|---|
| E | Detailed | 07/22/85 | 08/01/87 | Deputy executive director, Directorate for Health Sciences | Scientific assistant, National Bureau of Standards, Department of Commerce |
| | Detailed | 08/02/87 | - - - - | Deputy associate executive director, Directorate for Health Sciences | Unclassified duties, Office of the Executive Director |
| F | Detailed | 09/01/87 | 10/25/87 | Associate executive director, Directorate for Epidemiology | Director, Office of Program Management and Budget |

Summary:

| | |
|---|---|
| Employees at August 28, 1987 | 12 |
| Employees not detailed or reassigned | 6 |
| Employees detailed or reassigned | 6 |

Methodology: For the period 1/1/86 through 10/30/87, we reviewed all standard form 50's (notification of personnel action) in the personnel files of all SES employees at 8/28/87.

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